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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Lewis County Public Utility District

Project No. 4949-001
Washington

ORDER AMENDING EXEMPTION

(Issued March 3, 1989)

On October 24, 1988, Lewis County Public Utility District 1/ filed a request for an amendment to the exemption for the Mill Creek Project, FERC No. 4949.

The request for amendment included revised exhibit G drawings showing the project as-built. Project construction was completed in March 1983. The changes made to the exempted project include the addition of 12-inch-diameter log on top of the 6-foot-high, 25-foot-long, reinforced concrete diversion weir, and an increase in the plants total installed capacity from the exempted 500-kW to the installed 600-kW. The changes made to the project are consistent with the Commission's Regulations in effect at the time of project construction, therefore, the request for an amendment of the exemption for the Mill Creek Project is considered to be appropriate.

The Washington Department of Fisheries, the Washington Department of Wildlife, and the United States Fish and Wildlife Service, by letters dated October 12, 1988, October 17, 1988, and November 4, 1988, respectively, offered no objections to the changes made to the Mill Creek Project.

The Director orders:

(A) The exemption for the Mill Creek Project, FERC 4949, is amended as provided in this order, effective the first day of the month in which this order is issued.

(B) The project description, referenced in Ordering Paragraph (A) of the Order Granting Exemption issued on October 14, 1981, is revised to read as follows:


1/ The exemption for the Mill Creek Project was issued on October 14, 1981, to Larry S. Walker. By letter filed October 28, 1982, Mr. Walker requested a transfer of license to the current exemptee, Lewis County Public Utility District.

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Project Description - The project consists of: (1) a 6-foot-high, 25-foot-long, reinforced concrete diversion structure with a 12-inch-diameter log placed on the crest; (2) a 1500-foot-long, 42-inch-diameter concrete cylinder pipe; (3) a powerhouse containing two turbine-generator units each rated at 300-kW; (4) a tailrace with a fish barrier; (5) an underground distribution powerline; and (6) appurtenant facilities.

(C) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order. Failure to file a petition appealing this order to the Commission shall constitute acceptance of this order.


J. Mark Robinson
Director, Division of Project
Compliance and Administration

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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Larry S Walker) Project No. 4949-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

(Issued October 14, 1981)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act pursuant to 18 C.F.R. Part 4 SUBPART K (1980) implementing in part Section 408 of the Energy Security Act (Act) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the Act and the Commission's regulations and comments were requested from interested Federal and State agencies including the U. S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

It is ordered that:

(A) Mill Creek Project No. 4949 as described and designated in Larry S. Walker's application filed on June 24, 1981, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106 of the Commission's regulations, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980).

(B) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d)(1979), as amended, 44 Fed. Reg. 46449 (1979). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission.

William W. Lindsay
William W. Lindsay
Director, Office of Electric
Power Regulation

- 1/ Larry S. Walker, Project No. 4949, filed on June 24, 1981.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation under 18 C.F.R. §375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).



STATE OF WASHINGTON

DEPARTMENT OF GAME

600 North Capitol Way, GJ-11 • Olympia, Washington 98504 • (206) 753-5700

September 16, 1981

File FERC 4949

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 N. Capitol Street, N.E.
Washington D.C. 20426

Dear Mr. Plumb:

RE: Mill Creek Project Number 4949 located on Mill Creek in
Lewis County Washington

This letter lists conditions developed by Washington Department of Game necessary to protect fish and wildlife from the proposed Mill Creek Project Number 4949-000. This list was developed through coordination with Washington Department of Fisheries, U.S.F.W.S. and N.M.F.S. and the project sponsor, Larry Walker. A letter sent to Larry Walker dated July 20, 1981 and included in the application for exemption states our basic concerns with the project.

The proposed project would consist of:

1. A five (5) foot high concrete gravity diversion structure
2. A 1,500 foot long and forty-two (42) inch diameter steel penstock
3. A powerhouse containing two generating units
4. A tailrace
5. A 3,500 foot long transmission line

The following criteria which Mr. Walker has verbally agreed to are necessary to protect game fish and wildlife during construction and operation of the project.

1. A minimum stream flow of 13.5 CFS must always be maintained in the bypass section when natural flow is that much or more. If natural flow drops below 13.5 CFS all water must be released.
2. The intake structure will use fish protection screens of the V trough incline plane design or a vertical perforated flat plate screen installed parallel to the flow direction. With either screen the opening cannot exceed 1/4 inch in the narrow direction. The approach velocity of the flat plate screen cannot exceed 0.5 feet per second.

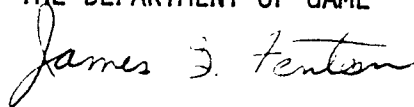
Mr. Kenneth F. Plumb
September 16, 1981
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3. The powerhouse tailrace will discharge into the pool below the first cascade downstream from the high barrier falls (pool is about 110 feet downstream from falls)
4. Tailrace entrance to the creek will be racked with bar spacing of 1-1/4 inches or less.
5. An automatic turbine bypass will be required near the powerhouse before the turbine to limit water level fluctuations during load rejection or powerhouse shut down.
6. An acceptable flow reduction rate needs to be established by on-site inspections after the project is completed but before coming "on-line."
7. If material accumulates behind the diversion dam, the timing and method of its removal will be conducted in a manner recommended by resources agencies.
8. The distributed areas along and near the pipeline, powerline and powerhouse areas need to be revegetated as soon as possible to limit siltation and replace wildlife habitat. Recommended species to plant are listed in our July 20, 1981 letter.
9. Provisions, timing restrictions and construction techniques must comply with conditions of the Hydraulic Project Approval issued by Washington Department of Game and Fisheries.

If the conditions listed above are followed, game, fish and wildlife will be protected and no additional mitigation will be required.

Sincerely,

THE DEPARTMENT OF GAME



James G. Fenton
Habitat Management Division

JGF:pt

cc: Bauersfeld Fisheries
Payne-USFWS
John Linvog NMFS
Tom Elwell, Ecology
Larry Walker
Dave Gufler
Claude Stoddard
John Carleton